**Testimony of State Senator Ted Kanavas, 33rd District**
**AB 549: The Protect My Vote Act**
**300 NE, State Capitol**
**January 10, 2008**

Good Morning. Thank you for allowing me to testify before you today on Assembly Bill 549 (a.k.a. SB200), the Protect My Vote Act.

I introduced the Senate companion to this legislation after being contacted by a constituent of mine and a resident of the City of Brookfield. The constituent went to the polls, gave his name and address, and was told by the poll worker that he had already been recorded as having voted and would not be allowed to cast a ballot.

Understandably, he was upset after being denied his right to vote in an election. The next day he contacted my office with his idea to prevent this from happening to any other Wisconsin voter.

The concept is simple; allow individual electors to choose to be asked for photo identification when they attempt to vote. Their vote would be protected by requiring poll workers to ask for their photo identification. The bill does not require all individuals to show photo ID, only those who have registered in advance.

The process, as defined in the bill, allows electors to choose this protected status at the time of voter registration and allows currently registered voters to appear before their respective municipal clerk or board of election commissioners to change their vote status to "protected."

The names of electors who have chosen to protect their vote will be marked on the polling list so poll workers will be able to identify which electors are to be asked for photo identification.

While I understand that media outlets and special interest groups debate whether or not voter fraud exists, the fact is that many voters believe it happens all the time. My constituent, whose right to vote was denied, believes he experienced it first hand.

Many Wisconsinites go to the polls believing that their legally cast vote is being erased by an illegally cast ballot of someone else in Wisconsin. We cannot deny that this is what some people feel, just as we cannot afford to have more citizens lose faith in our election system.

I believe this bill takes a positive step toward restoring faith in the process and in our government.

Thank you.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's registration information. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in an election in this state must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill permits any elector, at the time of registration, to elect to be required to provide identification in order to vote in an election. The bill also permits a registered elector to elect to be required to provide identification in order to vote by appearing in person at the office of the municipal clerk or board of election commissioners of the municipality where the elector resides. The elector must sign a statement making the election and present identification.

Under the bill, the permissible types of identification are: 1) a valid Wisconsin driver's license issued by the Department of Transportation (DOT); 2) a valid, current identification card issued by a U.S. uniformed service; or 3) a valid Wisconsin identification card issued by DOT.

With certain limited exceptions, if an elector decides to be subject to an identification requirement, the bill requires the elector to enclose a copy of his or her identification when voting an absentee ballot by mail. Under the bill, if an elector who votes at a polling place has elected to be subject to the identification requirement and fails to provide identification, the elector may vote provisionally. If an elector who votes by absentee ballot has elected to be subject to the identification requirement and fails to enclose a copy of the identification with his or her ballot, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The elector may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the elector does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted.

The bill provides that an elector who elects to be subject to an identification requirement may revoke the election by appearing at the office of the municipal clerk or board of election commissioners of the municipality where he or she resides and filing a written revocation request.

Under the bill, an election to be subject to an identification requirement or a revocation of an election must be filed at least 31 days before the election at which it initially applies.

January 10, 2008

To: Assembly Committee on Elections and Constitutional Law
Re: Oppose AB 549

The League of Women Voters of Wisconsin strongly opposes both the letter and spirit of AB 549. Elections in our state and in our nation need serious consideration of measures to reform, in order to improve administration and to ensure voting rights. This proposal would not improve the integrity of our electoral system and it would lead to administrative confusion.

With certain limited exceptions, this bill permits any elector, at the time of registration, to elect to be required to provide identification in order to vote in an election. The bill also permits a registered voter to elect to be required to provide identification in order to vote by appearing in person at the office of the municipal clerk or board of election commissioners of the municipality where the elector resides. The elector must sign a statement making the election and present an acceptable identification.

AB 549 would do nothing to improve the overall security of Wisconsin elections, which are recognized nationally as a model for other states.[i] Further, there is no evidence that there is any widespread or organized illegal voting in Wisconsin or in the United States.

AB 549 would add to the numerous regulations to which municipal clerks already adhere. These offices are currently overworked, understaffed and undertrained. Increasing the complexity of their duties without any benefit makes no sense.

AB 549 would create confusion at the polls. Poll workers may not have clear instructions on whom to ask for identification. Citizens who have not signed the form may think they need ID and stay home from the polls. Those who signed the form and forgot their ID may give up their vote.

Ultimately, any reforms to our election administration system must be fair and uniform. Creating different requirements for different voters will weaken our democracy. We urge you to reject this bill.

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[i] From Registrations to Recounts: The Election Ecosystems of Five Midwestern States, by Steven F. Huefner, Daniel P. Tokaji, and Edward B. Foley, Ohio State University Moritz College of Law, 2007, http://moritzlaw.osu.edu/electionlaw/joyce/index.php